

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 12, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m. Mayor Golding simultaneously convened the Redevelopment Agency and Council at 10:14 a.m. The meeting was recessed by Mayor Golding at 10:18 a.m. to meet in Closed Session in the 12th floor Conference Room to discuss pending litigation matters. Mayor Golding reconvened the meeting at 11:09 a.m. with all members present. Mayor Golding and Council Member Warden recognized and welcomed elementary school children from the Fifth District. The meeting was recessed by Mayor Golding at 11:17 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:09 p.m. with Council Member Roberts not present. Mayor Golding recessed the meeting at 4:15 p.m. The meeting was reconvened by Mayor Golding at 4:27 p.m. with all Council Members present. Mayor Golding adjourned the meeting at 7:22 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-Present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (rb/ec)

FILE LOCATION: MINUTES

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ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-4:

Comments by Don Stillwell regarding crime.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-049.)

COUNCIL COMMENT

None.

ITEM-330: CONTINUED TO MAY 17, 1994

SUBJECT: Agreement with San Diego State University Foundation
regarding the Delta Upsilon House.

(See City Manager Report CMR-94-88. College Community
Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1325)

Authorizing an agreement regarding use of property with

the San Diego State University Foundation for the construction and operation of a fraternity house for the Delta Upsilon Fraternity;

Stating for the record that the City Council as lead agency under the California Environmental Quality Act, has been reviewed and considered Negative Declaration DEP-87-0356, dated June 25, 1987.

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: A018-026.)

MOTION BY McCARTY TO CONTINUE THE ITEM FOR 30 DAYS DUE TO ONGOING NEGOTIATIONS. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Agreement to Implement the Expansion of the Washington Elementary School Site - Little Italy Redevelopment District of Expansion Sub Area of the Centre City Redevelopment Project.

(See memorandum from CCDC Executive Vice President dated 3/3/94. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/29/94.

(Council voted 9-0):

(O-94-80) ADOPTED AS ORDINANCE O-18059 (New Series)

Authorizing an agreement for joint use and maintenance of property acquired for expansion of the Washington Elementary School site in the expansion sub area of the Centre City Redevelopment Project Area.

NOTE: 6 votes required.

NOTE: This is the second hearing of the ordinance. It is docketed as a noticed hearing, pursuant to Section 99 of the

City Charter.

FILE LOCATION: MEET CONT FY94-1

COUNCIL ACTION: (Tape location: A073-081.)

Hearing began at 10:13 a.m. and halted at 10:14 a.m.

MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Findings of Benefit to the Horton Plaza Redevelopment Project for the Proposed Acquisition Loan Agreement with San Diego Youth and Community Services, Inc.

(See memorandum from CCDC Executive Vice President dated 3/22/94. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1431) ADOPTED AS RESOLUTION R-283690

Determining that the use of funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund for the acquisition of property located at 3255 Wing Street, under a proposed Acquisition Loan Agreement between the Redevelopment Agency and San Diego Youth and Community Services, will be of benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of April 12, 1994 for a companion item.

FILE LOCATION: MEET CONT FY94-1

COUNCIL ACTION: (Tape location: A090-126.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Matter of the California Terraces Precise Plan, Amendment to the Otay Mesa Community Plan and Progress Guide and General Plan, Vesting Tentative Map (VTM) and Hillside Review Permit HRP-86-1032 CA Terraces, Vesting Tentative Map (VTM) Planned Residential Development Permit (PRD), Hillside Review Permit (HRP) and Resource Protection Ordinance Permit RPO-90-0574 South Palm Vista and Master Re-zone (RZ) C-863, including application of Community Plan Implementation Overlay Zone (CPIOZ) and Small Lot Overlay (SLO) Zone.

(VTM/HRP-86-1032 and VTM/PRD/HRP/RPO-90-0574.
District-8.)

Subitem-A: (R-94-1416) ADOPTED AS RESOLUTION R-283692

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-86-1032 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-94-90) INTRODUCED, TO BE ADOPTED ON
APRIL 25, 1994

Introduction of an Ordinance re-zoning properties from the A-1-10 Zone to the R-1000, R-1000/CPIOZ(A), R-1250, R-1250/CPIOZ(A), R-1750, R-1750/CPIOZ(A), R-2000, R-3000, R-3000/CPIOZ(A), R-1-5000, R-1-5000/SLO, and CA Zones.

Subitem-C: (R-94-1415) ADOPTED AS RESOLUTION R-283693

Adoption of a Resolution adopting the California Terraces Precise Plan and amending the Otay Mesa Community Plan and Progress Guide and General Plan.

Subitem-D: (R-94-1760) GRANTED MAP, ADOPTED AS
RESOLUTION R-283694

Adoption of a Resolution granting or denying the
Vesting Tentative Map, VTM-86-1032, (CA Terraces), with
appropriate findings to support Council action.

Subitem-E: (R-94-1761) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-283695

Adoption of a Resolution granting or denying the
Hillside Review Permit, HRP-86-1032, with appropriate
findings to support Council action.

Subitem-F: (R-94-1762) GRANTED MAP, ADOPTED AS
RESOLUTION R-283696

Adoption of a Resolution granting or denying the
Vesting Tentative Map, VTM-90-0574 (So. Palm Vistas),
with appropriate findings to support Council action.

Subitem-G: (R-94-1763) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-283697

Adoption of a Resolution granting or denying the
Planned Residential Development, Hillside Review and
Resource Protection Ordinance Permit
PRD/HRP/RPO-90-0574, with appropriate findings to
support Council action.

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and C; introduce Subitem B and if issues on
Subitems D, E, F, and G have been resolved adopt the
resolutions granting the maps and the permits.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-1 to approve the project with
modifications in the canyon area.

The Otay Mesa Community Planning Group has recommended
approval of the project.

SUPPORTING INFORMATION:

The 665-gross-acre California Terraces site is located east
of Interstate 805 and north of State Route 905 in the Otay
Mesa Community Planning Area. The California Terraces

project consists of:

1. A Precise Plan for the development of 322 acres of residential use (5,375 units), 24 acres of commercial use, 138 acres of undisturbed open space, four schools totaling 54 acres, and three parks totaling 26 acres.
2. An amendment to the Otay Mesa Community Plan and General Plan to modify the location for proposed single-family, multifamily, school and park uses; add a high-medium density residential land use category (30-43 units per acre); expand the open space system; delete a commercial site; and revise the circulation system.
3. A Vesting Tentative Map and Hillside Review Permit California Terraces DEP-86-1032 for approximately 544 gross acres.
4. A Vesting Tentative Map, Planned Residential Development Permit, Hillside Review Permit, and Resource Protection Ordinance Permit (South Palm Vista DEP-90-0574) for approximately 27 acres.
5. A Re-zone (RZ) from A-1-10 and A-1-10/HR to the R-1000, R-1000/CPIOZ(A), R-1250, R-1250/CPIOZ(A), R-1750, R-1750/CPIOZ(A), R-2000, R-3000, R-3000/CPIOZ(A), R-1-5000, R-1-5000/SLO and CA Zones.

FILE LOCATION: Subitem A & C: LAND - California Terraces Precise Plan; Subitem B: NONE; Subitem D: SUBD - (CA Terraces); Subitem E: PERM - HRP-86-1032; SUBITEM F: SUBD - (So. Palm Vistas); SUBITEM G: PERM - PRD/HRP/RPO-90-0574

COUNCIL ACTION: (Tape location: A170-249; H423-I386.)

Hearing began at 11:12 a.m. and recessed at 11:17 a.m.

Testimony in favor by Tom Silva and Chester Gamett.

Trailed to the afternoon session.

Hearing resumed at 6:45 p.m. and halted at 7:21 p.m.

Testimony in opposition by Craig Adams.

Testimony in favor by David Poole, Mike Madigan, and Nancy Gilbert.

Motion by Vargas to separate twin port issue from residential issue.

No second.

MOTION BY VARGAS TO INTRODUCE SUBITEM B AND ADOPT SUBITEMS A,C,D,E,F, AND G, THE ORIGINAL STAFF RECOMMENDATION WITH A SLIGHT MODIFICATION TO MAINTAIN THE ONE HIKING TRAIL IN DENNERY CANYON. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Multiple Species Conservation Program (MSCP).

(See City Manager Report CMR-94-90.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1432 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-283726

Approving the criteria proposed by the Multiple Species Conservation Program (MSCP) Jurisdictional Technical Committee, to allow Focused Planning Area lines to be drawn for analysis and inclusion in a public review draft of the MSCP Plan.

WU-CWP-94-134.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B046-F155.)

Motion by McCarty to approve her proposal excluding the 4(d) Rule. Second by Vargas.

Council Member McCarty withdrew her motion.

MOTION BY STEVENS TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE MAYOR GOLDING'S PROPOSAL, TO COME BACK WITH A DRAFT IN WRITTEN FORM ON APRIL 26, 1994 INCLUDING THE GRAPH AND MAP LANGUAGE PRESENTED TO COUNCIL, AND TO REQUEST THE ECONOMIC IMPACT REPORT FROM THE MSCP CONSULTANT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,

Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Implementation of the Federal Endangered Species Act
Section 4(d) Rule (Natural Communities Conservation
Plan Process).

(City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1007) CONTINUED TO APRIL 26, 1994 P.M.

Approving the Natural Communities Conservation Planning
(NCCP Program Interim Habitat Loss Permit Process.)

SUPPORTING INFORMATION:

Approval of the Resolution would adopt City procedures to implement the Federal Endangered Species Act Section 4 (d) Special Rule process for "incidental take" of California gnat-catchers and loss of coastal sage scrub and other gnat-catcher or critical habitat. The proposed City process is based on the requirements of the State of California Natural Communities Conservation Planning Program Guidelines, as required by the language of the Federal 4(d) Rule.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F156-H422.)

Hearing began at 5:02 p.m. and halted at 6:44 p.m.

Testimony in favor by Wayne White, Larry Eng, Dan Silver, Craig Adams, Michael Beck, Judy Fowler, and Rebecca Michael.

Testimony in opposition by Jim Whalen, Ricky Albertson, Tom Sheffer, Morris Wax, and Craig Beam.

Motion by McCarty to continue the item to April 26, 1994 and to have City Attorney draft an ordinance with language similar to the County's ordinance regarding the Section 4(d) Rule (Natural Communities Conservation Plan Process) or several alternatives that ultimately can be adopted. Second

by Roberts. No vote.

Motion by McCarty to add everything. Second by Stevens. No vote.

MOTION BY McCARTY TO CONTINUE ITEM TO APRIL 26, 1994 AND TO HAVE CITY ATTORNEY DRAFT AN ORDINANCE WITH LANGUAGE SIMILAR TO THE COUNTY'S ORDINANCE REGARDING THE SECTION 4(d) RULE (NATURAL COMMUNITIES CONSERVATION PLAN PROCESS) OR SEVERAL ALTERNATIVES THAT ULTIMATELY CAN BE ADOPTED. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:22 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I387).